

REMARKS

Claims 1-9 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 1, 2, and 6-9;

Group II, claims 3 and 5; and

Group III, claim 4.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, Claims 1, 2, and 6-9.

The Office Action asserts that Groups I, II, and III do not relate to a single general inventive concept because they lack the same or corresponding technical features. (Page 3 of Office Action). Applicants respectfully disagree.

Independent claim 1 recites the aspects of: encoding an incoming voice band signal, accepting said encoded signal, assembling and outputting packets from said signal, assembling and outputting redundant packets from said signal, selecting either packets or redundant packets for output, determining if said signal is associated with predetermined data communications, and controlling packet selection based on this determination.

Independent claim 3 recites all of the functional aspects of independent claim 1, adding thereto a second redundant packet generator, a selector to choose between the redundant packet generators, and an additional signal detector.

Independent claim 4 recites all the functional aspects of independent claim 3, adding thereto a second voice encoder.

Applicants respectfully submit that independent claims 1, 3, and 4 all have shared technical features and modes of operation. Independent claims 3 and 4 recite in more detail devices that embody technical features and mode of operation of independent claim 1, but do not create inventions patentably distinct from independent claim 1. If independent claim 1 gives rise to a patentable invention, independent claims 3 and 4 would be patentable for the same reasons as those associated with independent claim 1. Applicants therefore submit that independent claim 1 is a genus claim of which claims 3 and 4 are species. Accordingly, reconsideration and withdrawal of this restriction requirement is respectfully requested.

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Naphtali Y. Matlis (Reg. No. 61,592) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- Attached is a Petition for Extension of Time.
- Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

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